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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,372	12/12/2005	Karlheinz Rumpler	SMB-PT162 (PC 04 224 B US	9151
3624 7590 01/22/2010 VOLPE AND KOENIG, P.C. UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			EXAMINER VETERE, ROBERT A	
			ART UNIT 1792	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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## **DETAILED ACTION**

### ***Examiner's Comments***

An amendment, amending claim 36 and cancelling claim 37 was received on 12/21/2009. However, because this amendment presents new issues for further search and consideration it has not been entered at this time.

### ***Response to Arguments***

1. Applicant's arguments, filed 12/21/2009, with respect to the § 102 rejection of claims 34-35 have been fully considered and are persuasive. The rejection under § 102 of these claims has been withdrawn.

2. Applicant's arguments filed 12/21/2009 have been fully considered but they are not persuasive.

Applicant first argues that the combination of Barendse, Nagahama, Burckhead, Andela and Hartman fails to render claim 36 obvious because applicant's claimed method produces advantages which are not addressed by the references. This is not persuasive. The fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Applicant further argues that claim 36 is non-obvious because the cited references fail to teach that the inert material is introduced separately from the enzyme material. This is not persuasive. Andela teaches that the inert material is introduced separated (see, e.g., ¶ 0042).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT VETERE whose telephone number is (571)270-1864. The examiner can normally be reached on Mon-Fri 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on 571-272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Robert Vetere/  
Examiner, Art Unit 1792

/Michael Cleveland/  
Supervisory Patent Examiner, Art Unit 1792